

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

JESSICA M. GILBERT

SENTENCING MINUTES

Case No. 13-CR-135

HONORABLE WILLIAM C. GRIESBACH, presiding

Deputy Clerk: Amanda

Hearing Held: January 28, 2015

Tape No.: 012815

Hearing Began: 3:49 p.m.

Hearing Ended: 4:44 p.m.

Appearances:

UNITED STATES OF AMERICA by: Daniel R. Humble and Agent Derik Thieme

JESSICA M. GILBERT, in person, and by: John A. Birdsall

U.S. PROBATION OFFICE by: Mitchell L. Farra

INTERPRETER: ☒ None ☐ Sworn

☒ The parties have no objections to the factual statements in the PSR

☐ Objections/corrections to factual statements in PSR by ☐ Plaintiff ☐ Defendant

☐ The parties have no objections to the application of the guidelines in the PSR

☒ Objections/corrections to application of guidelines by ☐ Plaintiff ☒ Defendant

☒ The government presents sentencing argument:
Recommends a sentence within the guideline
range

☒ Defendant exercises right of allocution.

☐ The government dismisses count(s) _____

☒ The defendant presents sentencing argument:
Requests a term of probation

☒ The court imposes sentence.

☒ Defendant advised as to appeal rights.

The defendant objects to the 2 point enhancement for obstruction.

The Court finds that the 2 point enhancement applies and adopts the application of the guidelines in the PSR.

4:15 p.m. - Shana Hill, the defendant's friend, addresses the Court

4:18 p.m. - Douglas Nelson, the defendant's father, addresses the Court

SENTENCE IMPOSED

☐ Probation

_____ years as to count(s) _____ of the ☐ indictment ☐ information.

☒ Imprisonment

Six months as to count(s) One of the ☒ Superseding ☐ information.
_____ indictment

Two months as to count(s) SCAMS Act of the ☒ Superseding ☐ information.
_____ indictment

To be served: ☐ concurrently ☒ consecutively ☐ to state sentence

☒ TOTAL TERM OF IMPRISONMENT IMPOSED: 8 months.

☒ Supervised Release

Three years as to count(s) One of the ☒ Superseding ☐ information.
_____ indictment

_____ years as to count(s) _____ of the ☐ indictment ☐ information.

To run: ☐ concurrently ☐ consecutively

☒ TOTAL TERM OF SUPERVISED RELEASE IMPOSED: Three years.

Conditions of Supervised Release/Probation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Report within 72 hours of release | <input type="checkbox"/> Home confinement _____ days |
| <input checked="" type="checkbox"/> No firearms/dangerous weapons | <input type="checkbox"/> Community correctional center _____ days |
| <input checked="" type="checkbox"/> No illegal possession of controlled substances | <input type="checkbox"/> Residential re-entry center _____ days |
| <input checked="" type="checkbox"/> Cooperate in the collection of DNA | <input type="checkbox"/> Cooperate with BICE |
| <input type="checkbox"/> Drug testing - waived | <input type="checkbox"/> Cooperate with Child Support Enforcement |
| <input type="checkbox"/> Drug testing - standard condition | <input type="checkbox"/> Cooperate with IRS |
| <input checked="" type="checkbox"/> Drug testing - special condition | <input type="checkbox"/> Computer - No possession or use on-line |
| <input type="checkbox"/> Buy Money: \$ _____/month | <input type="checkbox"/> Computer - No data encryption/erasure |
| <input type="checkbox"/> Total Amount: \$ _____ | <input type="checkbox"/> Computer - Provide passwords, logons, etc. |
| <input type="checkbox"/> <input type="checkbox"/> Joint and Several w/ _____ | <input type="checkbox"/> Computer - Consent to unannounced exams |
| <input type="checkbox"/> Fine: \$ _____/month | <input type="checkbox"/> Mental health treatment program |
| <input checked="" type="checkbox"/> Restitution: \$ <u>100.00</u> /month | <input type="checkbox"/> Sex offender - Mental health treatment |
| <input checked="" type="checkbox"/> No new lines of credit | <input type="checkbox"/> Sex offender - Waive confidentiality |
| <input checked="" type="checkbox"/> Financial disclosure | <input type="checkbox"/> Register as a convicted sex offender |
| <input type="checkbox"/> Submit to search by U.S. Probation | <input type="checkbox"/> No sexually-explicit material w/minors |
| <input checked="" type="checkbox"/> No employment with fiduciary duties | <input type="checkbox"/> No possession/viewing of porn/erotica |
| <input type="checkbox"/> No employment/patronization of taverns | <input type="checkbox"/> No contact with children under age 18 |
| <input checked="" type="checkbox"/> Do not transfer, sell or give away anything over \$500.00 in value | <input type="checkbox"/> No contact with gangs |

The Court adopts the standard conditions of supervised release, with the exception of numbers 4,7 and 13, as set forth in the update to the presentence report, docket entry number 292. The standard conditions shall be incorporated into the judgment.

MONETARY PENALTIES

- ☒ **Special Assessment:** \$ 100.00 ☒ due immediately
- ☒ **Fine:** \$ _____ ☒ fine waived ☐ interest waived
- ☒ **Restitution:** \$ 67,784.63 ☐ determination deferred until _____
- ☐ Fine and/or ☒ Restitution is joint and several with: Mark S. Parks

FORFEITURE

- ☒ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

- ☒ The court recommends the defendant's placement at: placement at a facility as close to home as possible
- ☐ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.
- ☐ Other: _____

CUSTODY

- ☐ The defendant is remanded to the custody of the U.S. Marshal Service.
- ☒ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons,
☒ as notified by the U.S. Probation Office; ☐ on or after: _____